

4. Movant is the holder of a mortgage on the mortgaged premises.
5. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
6. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
7. The foreclosure proceedings to be instituted were stayed by the filing of the

8. As of September 30, 2019, Debtor has failed to tender post-petition mortgage payments for the bi-weekly payments from June 24, 2019, through September 30, 2019. The bi-weekly payment amount for the payments due from of June 24, 2019, through September 30, 2019, is \$518.64 each, less suspense in the amount of \$445.60, for a total amount due of \$3,703.52. The next payment is due on or before October 14, 2019 in the amount of \$518.64. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

9. Movant, **WELLS FARGO BANK, N.A.**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

10. Movant additionally seeks relief from the Co-Debtor Stay under §1301(c) (if applicable) in the instant case, as the continuation of the co-debtor stay causes irreparable harm to the Movant. Movant may be barred from moving forward with its state court rights under the terms of the mortgage without relief from the Co-Debtor Stay.

11. Movant has cause to have the Automatic Stay and Co-Debtor Stay terminated as to permit Movant to complete foreclosure on its mortgage.

12. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

13. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 and Co-Debtor Stay under Section 1301 with respect to **8716 MACON STREET, PHILADELPHIA, PA 19152-1513** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said

Mortgage; and

- b. That relief from any Co-Debtor Stay (if applicable) is hereby granted; and
- c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and
- d. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and
- e. Granting any other relief that this Court deems equitable and just.

/s/ Thomas Song, Esquire  
Thomas Song, Esq., Id. No.89834  
Phelan Hallinan Diamond & Jones, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
Phone Number: 215-563-7000 Ext 31387  
Fax Number: 215-568-7616  
Email: Thomas.Song@phelanhallinan.com

October 16, 2019